

REMARKS

Claims 1–14 are pending in the application.

Claims 1–14 have been rejected.

Reconsideration of the claims is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 102

Claims 1–14 rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,169,735 to *Allen, Jr. et al* or U.S. Patent No. 6,480,511 to *Petty*. Claims 9–12 rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,905,725 to *Sindhu et al*. These rejections are respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-69 (8th ed. August 2001).

Applicant traverses the assertion of *Allen, Jr. et al* as prior art under 35 U.S.C. § 102(e). The filing date of the application on which *Allen, Jr. et al* issued is later than the filing date of the present application. *Allen, Jr. et al* nominally claims the benefit of the filing date of a prior provisional application. However, such a claim, fails to provide the necessary evidence of anticipation since: (a) provisional applications are not examined for compliance with 35 U.S.C. § 112; (b) the content of a provisional application is not examined in connection with examination of a utility application claiming the benefit of the filing date for the provisional application; and (c) the content of a

provisional application may differ substantially from the content of a subsequently-filed utility application. Therefore, in order to qualify as prior art, the Office Action must establish that the provisional application--not merely the issued patent--disclosed the subject matter relied upon for the rejection. The Office Action has failed to establish *Allen, Jr. et al* as prior art.

With respect to independent Claims 1 and 4, each claim recites a controller having a means or interface for receiving time division multiplex (TDM) data from an originating port and mapping that received TDM into a predetermined packet slot assigned to the originating port. In an embodiment of the present invention, time division multiplexing transmission through an ATM switch is achieved by assigning each of a plurality of access ports/controllers a predetermined slot within each ATM cell, then switching data, if any, available from the corresponding access port/controller into the assigned slot within every ATM cell. Such a feature is not found in the cited references. *Allen, Jr. et al* recites a system in which individual switched virtual connections are established dynamically. *Allen, Jr. et al*, column 6, lines 23–25. Similarly, the system recited in *Petty* allows time slots to be dynamically added during switching by instances of AAL1-request processor 112 for a time-slot interchanger (TSI) 108. *Petty*, column 4, lines 39–42. Both references are silent as to assigning packet slots to originating and/or destination ports.

Independent Claim 8 recites a node controller for receiving packet data from a plurality of access controllers and separately switching each slot the packet data received from the plural access controllers into a packet slot preassigned to the destination port. In the present invention, TDM data initially switched into a packet slot preassigned to an origination port is, upon receipt of the packet

at a node controller, switched into a different packet slot preassigned to destination port. Such a feature is not found in the cited references. In the system of Allen, Jr. et al., slots are not employed; instead data from different TDM trunks is formatted as separate ATM cells and switched on preallocated mesh or star switched virtual connections dynamically provisioned for the cells. *Allen, Jr. et al.*, column 8, lines 23–38, column 9, lines 30–32 and column 11, line 15 through column 12, line 5. In the system disclosed by *Petty*, time-slot interchanger 108 reorders traffic from a listen queue 106 into the appropriate slot for the receiving system. *Petty*, column 3, lines 55–65. Both references are silent regarding switching data from one slot within a received ATM cell to another slot within an outgoing ATM cell based on the assignment of slots to originating and destination ports.

Independent claim 9 recites receiving incoming ATM cells, receiving switching directions for individually switching segments of the incoming cells into slot within outgoing cells, and performing the switching specified in the received switching directions on the data within the received ATM cells. Such features are not found in the cited references. *Allen, Jr. et al.* and *Petty* do not depict or describe receiving switching directions for switching slots of an incoming cell into slots of an outgoing cell, or performing such switching. *Sindhu et al.* depicts and describes a router directing forwarding of cells, but is silent as to receiving switching directions for switching portions of an incoming cell into an outgoing cell or performing such switching.

Independent claim 13 recites receiving packets from a plurality of controllers containing data from various originating ports each in a particular packet slot assigned to the origination port,

receiving a message from a call server, and switching data from the packet slot assigned to the originating port into a packet slot assigned to the destination port in response to the received message. Such features are not found in the cited references. None of the cited references depicts or describes a system in which data is switched from one slot to another based on originating and destination ports in response to receiving a message.

Claim 14 recites that the mapping of incoming packet slots to outgoing packet slots is employed until another message is received from the call server. Such a feature is not found in the cited references.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejections of Claims 1–14.

II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

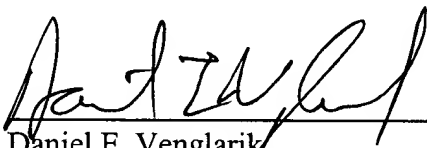
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 5-27-03



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